

### **REMARKS**

Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 1-25 and 27-28 are pending in the application, with claims 1, 13, 21, and 25 being independent. Applicant cancels claims 7 and 19 without prejudice, waiver, or disclaimer of the subject matter. Applicant amends claims 1, 6, 13, 21, 22, and 25 to further clarify features of the claimed subject matter. The original application supports these claim amendments at least at page 15, lines 13-15; page 16, line 25-page 17, line 1; page 18, and lines 9-11. These revisions introduce no new matter.

### **Claim Rejections under 35 U.S.C. §112, 1<sup>st</sup> para.**

**Claim 22 stands rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement.**

Without conceding the propriety of the rejection, Applicant amends **dependent claim 22** to clarify the subject matter. Amended claim 22 recites, in part, "*the display of available content simultaneously displays both the identified metadata and the other metadata.*" This implementation of resolving a conflict is discussed in Applicant's specification at least on page 15, lines 13-15.

As agreed during the interview, Applicant respectfully requests withdrawal of the §112 rejection.

**CLAIM REJECTIONS 35 U.S.C. §103 A., B., C., D., E., F., AND G.**

**A. Claims 1-7 and 10-12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0093790 (Logan et al) in view of U.S. Patent No. 6,536,041 (Knudson et al). Applicant respectfully traverses the rejection.**

**Independent Claim 1**

Without conceding the propriety of the rejection and in the interest of expediting prosecution of the application, independent claim 1 is amended as proposed during the interview and is believed to be patentable over the cited references.

**Independent claim 1** recites a method implemented on a computing device by a processor configured to execute instructions that, when executed by the processor, direct the computing device to perform acts comprising:

- recording a live broadcast on a client device;
- recording, on the client device, metadata associated with the live broadcast, wherein *the metadata* is generated by a data provider, *includes* a scheduled program length and *a timestamp indicating a unique version associated with the metadata*;
- receiving updated metadata associated with the live broadcast, wherein *the updated metadata* is generated by the data provider, indicates an exact program length and *includes a timestamp indicating a unique version associated with the updated metadata*;
- replacing the previously recorded metadata with the updated metadata; and
- if a length of the recorded live broadcast is greater than the exact program length, then deleting from the client device a portion of the recording that exceeds the exact program length;
- wherein the recording of the live broadcast continues for longer than the scheduled program length and the *updated metadata includes information generated after the live broadcast is completed.*

Applicant respectfully submits that no such method is disclosed, taught, or suggested by Knudson and/or Logan, alone or in combination.

Logan is directed towards "[a] system for utilizing metadata... to enhance users enjoyment of available broadcast programming content" (Abstract). Figure 1 of Logan shows creation of metadata "which describes each of the identified programming segments" (paragraph 0046).

Knudson is directed towards "a program guide system ... [that] ... receives program listings data and real-time data such as sports scores" (Abstract). Knudson discusses that "real-time data transmitted to television distribution facility 26 may include current sports scores for **games in progress**, real-time game statistics, game delay information, [and] game availability information" (column 6, lines 19-22; emphasis added).

Logan lacks a disclosure, teaching, or suggestion that metadata is created after the live broadcast of a program. Knudson fails to compensate for this deficiency. The discussion of "games in progress" in Knudson implies that metadata is created during a broadcast not after the end of the broadcast. Accordingly, and as tentatively agreed during the interview, the combination of Logan and Knudson does not disclose, teach, or suggest *"updated metadata [that] includes information generated after the live broadcast is completed,"* as recited in Applicant's amended claim 1.

Logan further discusses that "the program segment may be specified by the combination of an identifier which specifies a broadcast program source ... together with **the start and ending times** at which the particular programming segment was broadcast. These '**time stamp**' values [in Logan] are sent with the metadata to the user location and matched against time stamp information associated with the broadcast programming when received at the user station" (paragraph 0080; emphasis added). However, Logan does not disclose, teach, or suggest *"metadata [that] ... includes ... a timestamp indicating **a unique version associated***

*with the metadata; ... [and]... updated metadata [that] ... includes a timestamp indicating a unique version associated with the updated metadata,"* as recited in Applicant's amended claim 1. Knudson lacks any discussion of a time-stamp, and thus, fails to compensate for the deficiency in Logan.

For at least the above reasons, Applicant respectfully asserts that claim 1 is not obvious in light of the references of record.

Applicant includes the elements of **dependent claim 7** in independent claim 1 above and cancels dependent claim 7 without prejudice to or disclaimer of the subject matter recited therein. Accordingly, the rejection of claim 7 is now moot.

**Dependent claims 2-6 and 10-12** depend from independent claim 1, and thus, are allowable as depending from an allowable base claim. These claims are also patentable for their own recited features that, in combination with those recited in claim 1 are not disclosed, taught, or suggested by Knudson and/or Logan, alone or in combination.

Accordingly, Applicant respectfully requests withdrawal of the §103 rejections.

**B. Claims 8 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0093790 (Logan et al) in view of U.S. Patent No. 6,536,041 (Knudson et al) and further in view of U.S. Patent No. 7,162,499 (Lees et al).** Applicant respectfully traverses the rejection.

**Dependent claims 8 and 9** depend from independent claim 1, and thus, are allowable as depending from an allowable base claim. As mentioned above, the primary and secondary references do not disclose, teach, or suggest the features of independent claim 1. Applicant respectfully asserts that the Office has not provided evidence of a disclosure, teaching, or

suggestion in Lees that compensates for the deficiencies in Logan and Knudson. Claims 8 and 9 are also patentable for their own recited features that, in combination with those recited in claim 1 are not disclosed, taught, or suggested by Logan, Knudson, and/or Lees, alone or in combination.

Accordingly, Applicant respectfully requests withdrawal of the §103 rejections.

**C. Claims 13-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0143976 (Barker et al) in view of U.S. Patent No. 7,162,499 (Lees et al) and further in view of U.S. Patent Application Publication No. 2003/0056010 (Kaars et al).** Applicant respectfully traverses the rejection.

Independent Claim 13

Without conceding the propriety of the rejection and in the interest of expediting prosecution of the application, **independent claim 13** is amended along the lines of independent claim 1 and is believed to be patentable over the cited references.

Barker is directed towards "a system for managing and updating metadata associated with an asset" (Abstract). Barker discusses that "[a]fter **distributing** an asset and its metadata to one or more distribution endpoints 45, an asset provider 5 may need to modify or update metadata associated with an asset at the asset provider 5 and redistribute the updated metadata to one or more distribution endpoints 45" (paragraph 0038; emphasis added). Modification or updating of metadata in Barker is described in terms of temporal elements related to moving the metadata from an asset provider to a one or more distribution endpoints and not in relation to the time of a broadcast of a program. Accordingly, Barker does not disclose, teach, or suggest "*receiving updated metadata associated with the program content at the content server,*

*wherein the updated metadata comprises **information generated after a broadcast of the program content is completed**,*" as recited in Applicant's amended claim 13.

Kaars is directed towards "a device that permits modifying an original set metadata related to a received piece of content" (paragraph 0005). Kaars discusses "an electronic program guide (EPG) [that] may comprise metadata related to an A/V program that is or will be broadcast to the end-user" (paragraph 0002). Kaars contains no disclosure, teaching, or suggestion of metadata generated after a broadcast. Accordingly, Kaars fails to compensate for the deficiencies in Barker.

Applicant respectfully asserts that the Office has not provided evidence of a disclosure, teaching, or suggestion in Lees that compensates for the deficiencies in Barker and Kaars.

For at least the above reasons, Applicant respectfully asserts that claim 13 is not obvious in light of the references of record.

Applicant cancels **dependent claim 19** without prejudice to or disclaimer of the subject matter recited therein. Accordingly, the rejection of claim 19 is now moot.

**Dependent claims 14-18 and 20** depend from independent claim 13, and thus, are allowable as depending from an allowable base claim. Claims 14-18 and 20 are also patentable for their own recited features that, in combination with those recited in claim 13 are not disclosed, taught, or suggested by Barker, Lees, and/or Kaars, alone or in combination.

Accordingly, Applicant respectfully requests withdrawal of the §103 rejections.

**D. Claims 21 and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0093790 (Logan et al) in view of U.S. Patent No. 6,536,041 (Knudson et al) and further in view of U.S. Patent No. 7,162,499 (Lees et al).** Applicant respectfully traverses the rejection.

Independent Claim 21

Without conceding the propriety of the rejection and in the interest of expediting allowance of the application, **independent claim 21** is amended along the lines of independent claim 1 and is believed to be patentable over the cited references.

Applicant explains above with respect to dependent claims 8 and 9 why Logan, Knudson, and/or Lees alone or in combination do not disclose, teach, or suggest "*updated metadata includes information generated after the live broadcast is completed*," as recited in Applicant's claim 1. Applicant's amended claim 21 similarly recites, in part, "*other metadata [that] comprises information generated after a broadcast of the available content is completed*." Accordingly, Applicant's amended claim 21 is also not disclosed, taught, or suggested by Logan, Knudson, and/or Lees, alone or in combination.

**Dependent claim 22** depends from independent claim 21, and thus, is allowable as depending from an allowable base claim. Claim 22 is also patentable for its own recited features that, in combination with those recited in claim 21 are not disclosed, taught, or suggested by Logan, Knudson, and/or Lees, alone or in combination.

Accordingly, Applicant respectfully requests withdrawal of the §103 rejections.

**E. Claims 23 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0093790 (Logan et al) in view of U.S. Patent No. 6,536,041 (Knudson et al) and further in view of U.S. Patent Application Publication No. 2004/0003403 (Marsh et al).** Applicant respectfully traverses the rejection.

**Dependent claims 23 and 24** depend from independent claim 21, and thus, are allowable as depending from an allowable base claim. As mentioned above, the primary and secondary references do not disclose, teach, or suggest the features of independent claim 21. Applicant respectfully asserts that the Office has not provided evidence of a disclosure, teaching, or suggestion in Marsh that compensates for the deficiencies in Logan and Knudson. Claims 23 and 24 are also patentable for their own recited features that, in combination with those recited in claim 1 are not disclosed, taught, or suggested by Logan, Knudson, and/or Marsh alone or in combination.

Accordingly, Applicant respectfully requests withdrawal of the §103 rejections.

**F. Claims 25 and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0093790 (Logan et al) in view of U.S. Patent No. 7,162,499 (Lees et al).** Applicant respectfully traverses the rejection.

Independent Claim 25

Without conceding the propriety of the rejection and in the interest of expediting prosecution of the application, **independent claim 25** is amended along the lines of independent claim 1 and is believed to be allowable.

Applicant explains above with respect to dependent claims 8 and 9 why Logan, Knudson, and/or Lees, alone or in combination do not disclose, teach, or suggest "*updated*



*metadata includes information generated after the live broadcast is completed,"* as recited in Applicant's claim 1. It follows that the combination of Logan and Lees, alone fails to disclose, teach, or suggest the recitation in Applicant's amended claim 25 of *"updated metadata [that] comprises information generated after a broadcast of the available content is completed."* Accordingly, Applicant's amended claim 25 is not disclosed, taught, or suggested by Logan and/or Lees, alone or in combination.

**Dependent claim 27** depends from independent claim 25, and thus, is allowable as depending from an allowable base claim. Claim 27 is also allowable for its own recited features that, in combination with those recited in claim 25 are not disclosed, taught, or suggested by Logan and/or Lees, alone or in combination.

Accordingly, Applicant respectfully requests withdrawal of the §103 rejections.

**G. Claim 28 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0093790 (Logan et al) in view of U.S. Patent Application Publication No. 2002/0143976 (Barker et al).** Applicant respectfully traverses the rejection.

**Dependent claim 28** depends from independent claim 25, and thus, is allowable as depending from an allowable base claim. As mentioned above, the primary reference does not disclose, teach, or suggest the features of independent claim 25. As discussed with respect to Applicant's claim 13, Barker fails to compensate for these deficiencies. Claim 28 is also patentable for its own recited features that, in combination with those recited in claim 25 are not disclosed, taught, or suggested by Logan and/or Barker alone or in combination.

Accordingly, Applicant respectfully requests withdrawal of the §103 rejection.

Applicant respectfully submits that the cited references do not render the claimed subject matter obvious and that the claimed subject matter, is therefore, patentably distinguishable over the cited references. For all of these reasons, Applicant respectfully requests withdrawal of the §103(a) rejection of these claims.

### **CONCLUSION**

For at least the foregoing reasons, claims 1-6, 8-18, 20-25, and 27-28 are in condition for allowance. Applicant respectfully requests reconsideration and withdrawal of the rejections and an early notice of allowance.

If any issue remains unresolved that would prevent allowance of this case, Applicant requests that the Examiner contact the undersigned attorney to resolve the issue.

Respectfully Submitted,  
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